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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,979	07/30/2003	Alfred Hardy Sullivan JR.	C&A024U	9505

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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC  
55 SOUTH COMMERICAL STREET  
MANCHESTER, NH 03101

EXAMINER
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STAIKOVICI, STEFAN

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,979

Applicant(s)

SULLIVAN ET AL.

Examiner

Stefan Staicovici

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/5/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group II, claims 14-20 in the reply filed on April 27, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Specification*

2. The abstract of the disclosure is objected to because the abstract should not use legal phraseology such as "comprising" (see page 14, line 1). Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gribble *et al.* (US 2004/0109992).

Regarding claims 14-17, Gribble *et al.* (US 2004/0109992) teach the claimed process for forming a trim panel including, providing a fabric substrate (cloth), applying a polyurethane dispersion that adheres to said fabric without the need of adhesives of flame lamination and heating said polyurethane dispersion to form a foam backing layer having a density of 0.035-0.16 kg/m<sup>3</sup> and a thickness of 3.6 mm (see Abstract and, paragraphs [0002], [0012] and [0071]).

In regard to claims 18 and 20, Gribble *et al.* (US 2004/0109992) teach applying a polyethylene film (plastic substrate) to said foam backed fabric without the need of a non-permeable layer (see paragraphs [0007] and [0011]).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill *et al.* (US Patent No. 5,124,368) in view of JP 02-143842.

Gill *et al.* ('368) teach the basic claimed process for forming a trim panel including, providing a laminate having a fabric with a polyurethane foam layer backing, placing said laminate in a mold and injecting a foam (molded plastic substrate) onto said laminate without the need of an additional barrier layer (see col. 3, lines 11-38).

Regarding claims 14 and 18-20, although Gill *et al.* ('368) teach a cloth having a polyurethane foam layer backing, Gill *et al.* ('368) do not teach that said polyurethane backing is a polyurethane dispersion that is applied without the use of adhesives or flame lamination. JP 02-143842 teaches using a polyurethane dispersion to form a cushioning/vibration damping panel without using adhesives. Therefore, it would have been obvious for one of ordinary skill in the art to have provided the polyurethane dispersion without using adhesives as taught by JP 02-143842 to form a foam layer in the process of Gill *et al.* ('368) because, JP 02-143842 teaches that said polyurethane dispersion provides for obtaining a low cost cushioning/vibration product, hence providing for an improved product and also because both reference solve the problem of providing improved cushioning/vibration characteristics.

In regard to claim 16, JP 02-143842 teaches heating at a temperature of 80-110 °C. Therefore, it would have been obvious for one of ordinary skill in the art to have provided the polyurethane dispersion without using adhesives and heated said polyurethane dispersion at a temperature of 80-110 °C as taught by JP 02-143842 to form a foam layer in the process of Gill *et al.* ('368) because, JP 02-143842 teaches that said polyurethane dispersion provides for obtaining a low cost cushioning/vibration product, hence providing for an improved product and also because both reference solve the problem of providing improved cushioning/vibration characteristics.

Specifically regarding claim 17, Gill *et al.* ('368) teach a polyurethane foam layer having a thickness of 1-25 mm (see col. 3, lines 37-38).

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gill *et al.* (US Patent No. 5,124,368) in view of JP 02-143842 and in further view of Peterson *et al.* (US Patent No. 5,851,457).

Gill *et al.* ('368) in view of JP 02-143842 teaches the basic claimed process as described above.

Regarding claim 15, although Gill *et al.* ('368) teach a cloth having a polyurethane foam layer backing, Gill *et al.* ('368) in view of JP 02-143842 do not teach that said foam layer has a density of 0.016-0.32 g/cm<sup>3</sup>. However, a polyurethane foam layer having a density of 0.016-0.32 g/cm<sup>3</sup> is well known as evidenced by Peterson *et al.* ('457) who teach a typical polyurethane foam layer having a density of 20-40 kg/m<sup>3</sup> (0.02-0.04 g/cm<sup>3</sup>) (see col. 5, lines 38-41). Therefore, it would have been obvious for one of ordinary skill in the art to have provided a polyurethane foam layer having a density of 20-40 kg/m<sup>3</sup> (0.02-0.04 g/cm<sup>3</sup>) as taught by Peterson *et al.* ('457) in the process of Gill *et al.* ('368) in view of JP 02-143842 because Gill *et al.* ('368) in view of JP 02-143842 requires a polyurethane foam layer to function as described, whereas Peterson *et al.* ('457) teach that it is well known to have a polyurethane foam layer having a density of 20-40 kg/m<sup>3</sup> (0.02-0.04 g/cm<sup>3</sup>) and also because, Peterson *et al.* ('457) teach that such a polyurethane foam layer provides for improved resilience, hence providing for an improved product.

8. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gribble *et al.* (US 2004/0109992) in view of Applicants' Admitted Prior Art.

Gribble *et al.* (US 2004/0109992) teach the basic claimed process as described above.

Regarding claim 19, although Gribble *et al.* (US 2004/0109992) teach laminating a polymeric film to said foam backed fabric, Gribble *et al.* (US 2004/0109992) does not teach injection molding a plastic layer to said foam backed fabric. However, injection molding a plastic substrate, such as a foam layer, is well known as evidenced by Applicants' Admitted Prior Art (see page 1, lines 24-27). Therefore, it would have been obvious for one of ordinary skill in the art to have injection molded a plastic substrate as taught by Applicants' Admitted Prior Art against said foam backed fabric in the process of Gribble *et al.* (US 2004/0109992) because, Applicants' Admitted prior Art teaches that such a process allows for forming a variety of useful products, hence providing for a more versatile and economical process for making automotive trim panels by forming the plastic substrate and molding the fabric in a single step process and, also because of its well know status.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

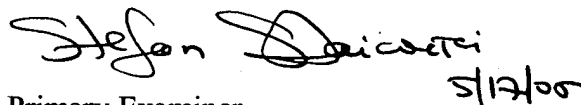
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

  
Primary Examiner

AU 1732

May 17, 2005